

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>	<b>GRANT NUMBER (FAIN): 99291098</b>		<b>DATE OF AWARD</b> 08/29/2006
		<b>MODIFICATION NUMBER: 7</b>		<b>MAILING DATE</b> 09/05/2006
		<b>PROGRAM CODE: V</b>		<b>ACH#</b>
		<b>TYPE OF ACTION</b> Augmentation: Increase		<b>PAYMENT METHOD:</b> Advance
<b>RECIPIENT TYPE:</b> State		<b>Send Payment Request to:</b> EPA Las Vegas Finance Center		
<b>RECIPIENT:</b> New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928		<b>PAYEE:</b> New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420		
<b>PROJECT MANAGER</b> Edward Putnam 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: Phone: 609-984-2990		<b>EPA PROJECT OFFICER</b> Carole Petersen 290 Broadway, ERRD/NJRT New York, NY 10007-1866 E-Mail: Petersen.Carole@epamail.epa.gov Phone: 212-637-4420		<b>EPA GRANT SPECIALIST</b> John Owen Grants and Contracts Mgt Branch, OPM/GCMB E-Mail: Owen.John@epamail.epa.gov Phone: 212-637-3415
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> NJDEP Remedial Planning Support Agency Assistance In accordance with the application dated June 15, 2006, the Cooperative Agreement is revised as follows: the agreement is increased by \$350,000; and, the project period and the budget period expiration dates are extended to September 30, 2008. In addition, the Terms and Conditions are revised.				
<b>BUDGET PERIOD</b> 10/01/1998 - 09/30/2008	<b>PROJECT PERIOD</b> 10/01/1998 - 09/30/2008	<b>TOTAL BUDGET PERIOD COST</b> \$2,716,900.00	<b>TOTAL PROJECT PERIOD COST</b> \$2,716,900.00	
<b>NOTICE OF AWARD</b>				
Based on your Application dated 06/15/2006 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$350,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,716,900. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>		
<b>ORGANIZATION / ADDRESS</b> Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866		
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Digital signature applied by EPA Award Official</b> Donna J. Vizian - Assistant Regional Administrator for Policy and Management				<b>DATE</b> 08/29/2006

V - 99291098 - 7 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 2,366,900	\$ 350,000	\$ 2,716,900
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 2,366,900	\$ 350,000	\$ 2,716,900

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Hazardous Substances Response Trust Fund	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	HE0266	06	T	2ADOP	302DD2E	4185	02WQMA00	C036	350,000
									350,000

## Budget Summary Page

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$1,639,317
<b>2. Fringe Benefits</b>	\$469,197
<b>3. Travel</b>	\$40,000
<b>4. Equipment</b>	\$0
<b>5. Supplies</b>	\$0
<b>6. Contractual</b>	\$0
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$0
<b>9. Total Direct Charges</b>	\$2,148,514
<b>10. Indirect Costs: % Base</b>	\$568,386
<b>11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)</b>	\$2,716,900
<b>12. Total Approved Assistance Amount</b>	\$2,716,900
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$350,000
<b>15. Total EPA Amount Awarded To Date</b>	\$2,716,900

## **Administrative Conditions**

### a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

### b. TERMS AND CONDITIONS

All Terms and Conditions included or referenced in Amendment No. V99291098-6 remain in effect and are incorporated by reference herein, with the following exceptions:

Condition No. 12, "INDIRECT COSTS," is hereby deleted and is replaced with the following updated version:

#### 12. INDIRECT COSTS

If the recipient has either (1) a federally approved negotiated indirect cost rate that expired less than 12 months ago, or (2) proof of a submitted indirect cost rate proposal to the cognizant Federal agency, the recipient must submit a copy to the EPA Regional Office of the final or provisional Indirect Cost Negotiation Agreement that covers the agreement's budget period before it may charge indirect costs against this Assistance Agreement. If recipient's the negotiated rate does not extend through the life of the Assistance Agreement, additional indirect cost rate proposal(s) must be submitted until the full life of the Assistance Agreement is covered by negotiated indirect cost rates. The recipient **will not charge nor claim for reimbursement any indirect costs that are not covered by a negotiated indirect cost rate.**

Condition No. 13, "FINANCIAL REQUIREMENTS," is hereby deleted and is replaced with the following updated version:

#### 13. FINANCIAL REQUIREMENTS

Under the Automated Standard Application for Payments (ASAP), the recipient initiates an electronic or voice-activated telephone payment request which is approved or rejected based on the amount of available funds authorized by EPA in the recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application.

The recipient agrees to the following conditions in accepting this assistance agreement:

- (a) Cash draw down will be made only as actually needed for its disbursement;
- (b) The recipient will provide timely reporting of cash disbursements and balances as required;
- (c) The recipient will impose the same standards of timing and reporting on secondary recipients, if any;

(d) When a drawdown occurs, the recipient will draw funds applicable to the appropriate site, activity, and operable unit account (as applicable), as indicated by the EPA "Site/Project I.D." account number shown in Condition 15. Also see Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns;

(e) When the funds allocated in the approved application for a specific site/activity/operable unit (as applicable) have been exhausted but the work under the site/activity/operable unit has not been completed, the recipient may exceed the amounts shown for the site/activity/operable unit in the approved application as long as a like amount is available as unspent from the budgeted amount for another site/activity/operable unit, and the amount budgeted for that other site/activity/operable unit is reduced accordingly. The recipient shall keep records showing which site/activity/operable unit budgets have been increased and decreased, and shall provide a copy of this record to the EPA Grants Office with the annual Financial Status Report. No costs may be charged to any sites/activities/operable units not listed in the cooperative agreement without an amendment to the cooperative agreement. See also Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns;

(f) Funds allocated for a specific site/activity/operable unit in the approved application and remaining unspent after activities at the site/activity/operable unit are completed may be applied to another site/activity/operable unit already included in the approved application in accordance with the paragraph above (however, see Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns). If the funds are no longer needed, they shall be returned to EPA;

(g) When a site/activity/operable unit (as applicable) is completed, the recipient will submit a Financial Status Report (SF-269) within 90 days to the EPA Grants Officer;

(h) The recipient will also submit the SF-269 within 90 days after the close of each budget period. If the budget period is longer than one year the report will be submitted annually, based on the anniversary date of the award; and

(i) The recipient shall submit to the EPA, Las Vegas Financial Center a "final" Financial Status Report (FSR) within 90 days after the expiration of the project period end date or the date of termination. The recipient can either fax the reports to 702-798-2423 or mail them to:

U.S. Environmental Protection Agency  
Las Vegas Finance Center  
P.O. Box 98515  
Las Vegas, NV 89193-8515

EPA may extend the due date for submission of a final FSR upon a written request from the recipient. The recipient is required to submit an "interim" FSR to the EPA Region 2 Grants and Contracts Management Branch, along with this request.

Failure on the part of the recipient to comply with the above conditions may cause the undisbursed portions of the Cooperative Agreement to be revoked and financing method changed to a reimbursable basis.

Condition No. 14, "DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS," is hereby deleted and is replaced with the following updated version:

14. DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS

In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance programs, the recipient agrees to:

- a) the applicable FY-2006 "fair share" goals negotiated with EPA by the State which break down as follows:
  - for New Jersey MBE: Construction, Equipment, Supplies and Services are 7%
  - for New Jersey WBE: Construction, Equipment, Supplies and Services are 3%
- b) ensure to the fullest extent possible that the applicable fair share goals as referenced in paragraph (a) are applied to Federal funds for prime contracts or subcontracts for Construction, Equipment, Supplies and Services. The recipient agrees to include in its bid documents the applicable FY 2006 "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontractors the applicable FY 2006 "fair share" percentages and to comply with paragraphs (c) (d) and (e).
- c) follow the six affirmative steps stated in 40 CFR 30.44(b), 40 CFR 31.36(e), 35.3145(d), 35.6580, or the Drinking Water State Revolving Fund (SRF) Program Guidelines, as appropriate.
- d) submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements" to the Grants Management Specialist (GMS), beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the GMS within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30) except for assistance awards for Continuing Environmental Programs which must be submitted to the GMS by October 30 of each year.
- e) To notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective, in the event race and/or gender neutral efforts prove to be inadequate to achieve a fair share objective for MBE/WBE.

Condition No. 15, "REQUIREMENTS FOR ACCOUNTING FOR COSTS AND REQUESTING PAYMENT," is hereby deleted and is replaced with the following updated version:

15. REQUIREMENTS FOR ACCOUNTING FOR COSTS AND REQUESTING PAYMENT

Funds under this Cooperative Agreement have been awarded in a lump sum, using a non-site-specific account identifier (e.g., Site/Project identifies "02WQMA00"). However, drawdowns may not be made using this identifier; for drawdown purposes, the following site-, activity-, and/or operable unit-specific identifiers must be used, corresponding to the sites, activities and/or operable units for which costs were incurred:

SITE/OU	ACTIVITY	APPROVED BUDG. AMT (100% FEDERAL)	SITE/PROJ. I.D.
---------	----------	--------------------------------------	-----------------

*Bridgeport Rental	RI/FS	\$23,790	0207MA01 C001
Brook Industrial Park	RD	\$58,835	0295MA00
Chemical Insecticide (OU4)	RI/FS	\$69,721	0294MA00
*Chemical Insecticide (OU2)	RD	\$3,000	0294MA01 C001
Chemical Leaman OU2 (Soil)	RI/FS	\$13,415	02B4MA00
Chemical Leamon OU3	RD	\$17,204	02B4MA00
Chemsol	RI/FS - RD	\$25,605	02C3MA00
Ciba Geigy	RI/FS	\$35,000	0287MA00
Ciba Geigy	RD	\$9,841	0287MA00
Cinnaminson (OU2)	RI/FS	\$7,000	02F7MA00
Cinnaminson	RD	\$7,315	02F7MA00
Cornell Dublier	RI/FS	\$75,600	02GZMA00
Cornell Dublier (residences)	RD	\$9,755	02GZMA00
Cornell Dublier (facility)	RD	\$3,660	02GZMA00 C001
Cosden Chemical (OU2) Soil	RD	\$34,155	02P8MA00
Cosden Chemical (OU3) GW	RD	\$21,340	02P8MA00
**Crown Vantage	RI/FS	\$3,660	02UFMA01 C001
CPS Madison	RI/FS	\$5,000	0283MA00 C001
D'Imperio	RI/FS	\$5,000	0221MA00
D'Imperio	RD	\$7,000	0221MA00
Diamond Alkali / Passaic River	RI/FS	\$118,950	0296MA00
Diamond Alkali / Newark Bay	RI/FS	\$12,195	0296MA02 C002
*Diamond Head Oil	RI/FS	\$10,975	02KKMA00 C001
*Dismal Swamp (aka Woodbrook Rd)	RI/FS	\$15,850	02NXMA00 C001
Dover Municipal Well Source (OU2)	RI/FS	\$40,666	02W1MA00
Dover Municipal Well Source (OU2)	RD	\$5,000	02W1MA00 C001
Dover Municipal Well GW (OU1)	RD	\$14,780	02W1MA00
Emmell's Septic LF	RI/FS	\$52,477	02JWMA00
Emmell's Septic LF	RD	\$1,240	02JWMA00 C001
Fairlawn / Sandvik	RI/FS	\$64,260	0258MA00
Federal Creosote	RI/FS & RD	\$224,146	02JJMA00
Fried Industries (GW)	RD	\$31,945	02D1MA00
Fried Industries (Soil)	RD	\$13,910	02D1MA00
Higgins Disposal (GW)	RD	\$7,315	023CMA00
Horseshoe Road	RI/FS	\$104,537	02BTMA00
Horseshoe Road Soils and GW	RD	\$3,660	02BTMA00 C001
Iceland Coin Laundry	RI/FS	\$32,377	02MPMA00
Industrial Latex	RI/FS	\$16,200	02M3MA00
Kauffman & Minter	RI/FS	\$10,654	021RMA00
Kauffman & Minter	RD	\$65,074	021RMA00
LCP Chemicals	RI/FS	\$73,165	02HUMA00
Lightman Drum	RI/FS	\$56,103	02MSMA00
Martin Aaron	RI/FS	\$33,742	02MNMA00
Martin Aaron	RD	\$5,000	02MNMA00 C001
Maywood Chemical	RI/FS & RD	\$64,020	0219MA00
Metaltec	RD	\$23,415	0241MA00
Monitor Devices	RI/FS	\$24,385	02N4MA00
Montclair / Glen Ridge	RI/FS	\$15,200	02A9MA00
*Montclair / Glen Ridge	RD	\$4,483	02A9MA00
Montgomery Township	RD	\$47,054	0290MA00
Myers	RD	\$19,550	02C9MA00
NL Industries	RD	\$16,460	0261MA00
Pepe Field	RD	\$4,470	0289MA00
Pohatcong Valley	RI/FS	\$108,582	023JMA00
Puchak	RI/FS	\$109,677	02JLMA00
*Quanta Resources (OU1, OU2)	RI/FS	\$15,580	0243MA00 C001
Radiation Technology (RTI)	RI/FS	\$8,339	02X5MA00
Radiation Technology (RTI)	RD	\$3,660	02X5MA00
Reich Farms	RI/FS	\$3,660	0249MA01 C002
Ringwood Mines	RI/FS	\$25,605	0262MA01 C001
Rockaway Boro (GW)	RD	\$18,200	0281MA00
Rockaway Boro (Soil)	RI/FS	\$29,510	0281MA00

*Rockaway Boro (soil -Lusardi)	RI/FS	\$3,660	0281MA02 C001
Rockaway Boro (GW-Lusardi)	RD	\$3,660	0281MA02 C001
Rocky Hill Wellfield	RD	\$51,609	0264MA00
Roebing Steel	RI/FS	\$146,968	0291MA00
Roebing Steel OU3 (Stag Area)	RD	\$3,660	0291MA00 C003
Roebing Steel OU5 (GW)	RD	\$3,660	0291MA00 C002
*Rolling Knolls LF	RI/FS	\$4,875	02QLMA00 C001
Route 561 Dump	RI/FS	\$48,775	02FSMA00
SCP Carlstadt	RI/FS & RD	\$57,310	0265MA00
*Swope Oil (OU3)	RI/FS	\$4,875	0232MA01 C001
Swope Oil (OU3)	RD	\$1,220	0232MA00 C002
U.S. Radium	RD	\$11,200	0267MA00
*U.S. Radium (OU3)	RI/FS	\$7,310	0267MA01 C001
U.S. Avenue Burn Site	RI	\$52,435	02GEMA00
Vineland Chemical	RD	\$66,700	02B8MA00
Waldick	RD	\$17,920	02F4MA00
Welsbach G.M.	RI/FS	\$146,542	028UMA00
*Welsbach GM Soil	RD	\$15,850	028UMA00 C001
White Chemical	RI/FS	\$46,319	026JMA00
White Chemical Soil	RD	\$5,000	026JMA00 C002
White Swan Laundry and Cleaners	RI/FS	\$3,660	02RXMA01 C001
Zschiegner Refining	RI/FS	\$12,920	028EMA00
Zschiegner Refining	RD	\$8,535	028EMA00 C001

\*NOTE: See the first Condition No. 28, "LIMITATION ON INCURRING COSTS OR DRAWING DOWN FUNDS - NEW SITES/ACTIVITIES/OPERABLE UNITS" in Amendment No. V99291098-5, for limitations on incurring costs or drawing down funds for the sites/activities/operable units marked with an asterisk (\*).

\*\* NOTE: Crown Vantage was incorrectly listed as RD rather than RI/FS in the application and award document for Amendment No. V99291098-6. It is hereby revised to the correct activity (i.e., RI/FS); this revision also applies to Amendment No. V99291098-6.

The following condition is added:

### 33. LIMITATION ON CHARGING COSTS - OVERDUE FINANCIAL STATUS REPORTS

The recipient may incur costs on eligible activities, but is precluded from charging costs to this Cooperative Agreement or drawing down funds for any periods covered by overdue annual Financial Status Reports (SF-269A). The overdue annual Financial Status Reports referenced in Conditions No. 20, No. 21, No. 22, No. 27, and No. 32 (i.e., covering the periods 10/1/1998 - 9/30/1999, 10/1/1999 through 9/30/2000, 10/1/2000 through 9/30/2001, 10/1/2001 through 9/30/2002, 10/1/2002 through 9/30/2003, and 10/1/2003 through 9/30/2004) are still overdue. In addition, the Financial Status Report covering the period 10/1/2004 through 10/1/2005 is also now overdue. Please note that, in order to be considered as complete, all Financial Status Reports beginning with the period 10/1/2003 through 9/30/2004 must include the budget information required by Paragraph (e) of Condition No. 13 in Amendment No. V99291098-5.

Note: The first Condition No. 28, "LIMITATION ON INCURRING COSTS OR DRAWING DOWN FUNDS - NEW SITES/ACTIVITIES/OPERABLE UNITS" in Amendment No. V99291098-5, limiting costs that may be incurred under this agreement for the sites identified with asterisks (\*) in Condition No. 15, has not been satisfied and remains in effect.